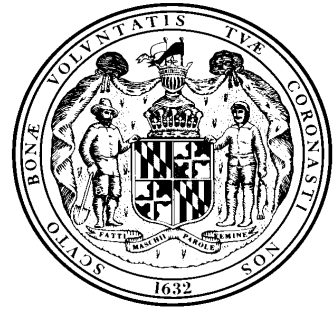


2007 State of Maryland



Governor's Office of Crime Control & Prevention

2007 REPORT OF JUVENILES IN SECURE ADULT AND JUVENILE FACILITIES

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INTRODUCTION

This report represents the calendar year 2007 review of Maryland's secure adult and juvenile facilities for compliance with the federal Juvenile Justice & Delinquency Prevention (JJDP) Act of 2002, as amended. It presents the appropriate juvenile processing and detention data to determine compliance with the JJDP Act. In 1974, Congress passed the JJDP Act in an attempt to bring about improvements in the juvenile justice system. The Act, as amended in 2002, requires safeguarding juvenile core protections, as follows:

1) Deinstitutionalization of Status Offenders (DSO)

42 U.S.C. § 5633 (a)(11)

"Juveniles who are charged with or have committed offenses that would not be criminal if committed by an adult excluding- (i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar state law; (ii) juveniles who are charged with or who have committed a violation of a valid court order; and (iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State- shall not be placed in secure detention facilities or secure correctional facilities." In addition, the 2002 Act states (b)"juveniles- (i) who are not charged with any offense and (ii) who are aliens or alleged to be dependent, neglected, or abused- shall not be placed in secure detention facilities or secure correctional facilities."

2) Separation

42 U.S.C. § 5633 (a)(12)

"Juveniles alleged to be or found to be delinquent," as well as status offenders and non-offenders, "will not be detained or confined in any institution in which they have contact with adult inmates." Furthermore, "there is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, [to] have been trained and certified to work with juveniles."

3) Jail Removal

42 U.S.C. § 5633 (a)(13)

"No juveniles shall be detained or confined in any jail or lockup for adults." Exception... "Juveniles who are accused of non status offenses who are detained in such jail and lockup for a period not to exceed 6 hours for (i) processing or release, (ii) while awaiting transfer to a juvenile facility, or (iii) in which period such juveniles make a court appearance, and only if such juveniles do not have contact with adult inmates." Under special circumstances, the Act also provides for a "rural" exception of up to 48 hours (excluding Saturdays, Sundays, and legal holidays).

4) Disproportionate Minority Contact

42 U.S.C. § 5633 (a)(22)

"Address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of the minority

groups, who come into contact with the juvenile justice system.” The change broadens the scope of the DMC initiative from disproportionate minority “confinement” to disproportionate minority “contact”. It requires states to examine the possibility of disproportionate minority representation at all decision points along the juvenile justice system.

Maryland’s eligibility to participate in the federal JJDP Act Formula Grants program administered by the United States Department of Justice (USDOJ), Office of Juvenile Justice and Delinquency Prevention (OJJDP), is dependent upon its continued compliance with the core protections of the JJDP Act. This includes establishment of a comprehensive plan consisting of ten components:

1. *Policies and Procedures.* A state must document, in writing that it has policies and procedures governing the implementation of an adequate compliance monitoring system.
2. *Monitoring Authority.* A state must document and describe the authority under which the Designated State Agency (DSA) tasked with compliance monitoring enters facilities to inspect and collect data from all facilities in the monitoring universe.
3. *Monitoring Timetable.* A state must keep an annual calendar demonstrating when and where compliance monitoring will occur.
4. *Violation Procedures.* A state’s monitoring system must describe procedures established for receiving, investigating, and reporting complaints of violations of the DSO, Jail Removal, and Separation core requirements. This should include both legislative and administrative procedures and sanctions.
5. *Barriers and Strategies.* A state must provide a written description of the barriers faced in implementing an adequate system of compliance monitoring; this written description must include strategies employed to overcome those barriers.
6. *Definitions.* A state may have different definitions for juvenile and criminal justice terms than those provided in the JJDP Act. A state must document and ensure that all state definitions that differ from federal definitions have been identified and will be addressed in the monitoring process. Specifically, a state must certify that where state definitions differ from federal definitions, in the monitoring process, federal definitions will be used in the monitoring process.
7. *Identification of the Monitoring Universe.* This refers to the identification of all facilities in the state, which might hold juveniles pursuant to the authority of the Juvenile Justice System. This also includes those facilities owned or operated by public and private agencies.
8. *Classification of the Monitoring Universe.* This is the classification of all facilities in the state to determine which should be considered a secure detention or correctional facility, adult correctional institution, jail, or other type of secure or non-secure facility.

9. *Inspection of Facilities.* Inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping. All facilities classified as secure detention or correctional facilities, jails, lockups, and other facilities to which the Juvenile Justice System may refer youth must have periodic, on-site inspections to determine compliance with the core protections. The inspection must include:
 - a. A review of the physical accommodations to determine whether it is a secure or non-secure facility or whether adequate sight and sound separation between juvenile and adult offenders exists; and
 - b. A review of the record-keeping system to determine whether sufficient data is maintained to determine compliance with DSO, jail removal, and separation.
10. *Data Collection and Data Verification.* Data collection and reporting are required to determine whether facilities in the State are in compliance with the applicable requirements of DSO, jail removal, and separation. The length of the reporting period should be 12 months.

Maryland's Juvenile Grant Planning and Review Council (Juvenile Council) is the state advisory group per the JJDP Act (Section 223, a3). The Juvenile Council has carried out the administration of the monitoring plan since 1988. This comprehensive format reflects the States' continued commitment to meet and exceed the conditions set forth by the JJDP Act. The Governor's Office of Crime Control and Prevention (GOCCP) is the planning agency responsible for implementing the compliance-monitoring plan. The Juvenile Council has the authority to participate in the development of the State's juvenile justice plan that includes compliance with the core protections of the JJDP Act.

DATA COLLECTION STRATEGY

Maryland has continued to strengthen its efforts to achieve and maintain full compliance with the core protections of the JJDP Act during calendar year 2007. GOCCP staff was able to utilize acquired knowledge and expertise to ensure that the monitoring universe was complete and the Act was being administered appropriately.

Shari J. Morris, GOCCP's compliance monitor, collaborated with OJJDP to help create the compliance monitoring workshops that were presented at the **Annual State Relations and Assistance Division Conference: Creating a Shared Vision for Juvenile Justice**, which was held on October 22-24, 2007.

Maryland's compliance monitoring system implemented several improvements during calendar year 2007:

- The monitoring universe has continued to grow and now includes an additional 100 facilities that were not previously identified by the State's juvenile justice compliance monitor in federal fiscal year 2006. Each facility has been updated to include current and accurate contact and classification information. The monitoring universe currently stands at 721 facilities, a 12.75% increase over FFY 2006. Furthermore, GOCCP has recently

identified several law enforcement substations that are in the process of being added to the compliance-monitoring universe.

- Maryland's first Guideline Manual is in the process of being finalized for publication. The purpose of the Guideline Manual is to provide all secure facilities a detailed description and definition of the compliance monitoring process and its appropriate execution.
- GOCCP has continued to utilize the On-Site Summary Review at the end of each site visit. This allows the facility to receive immediate written feedback regarding their site visit.
- The State's first Compliance Monitoring Manual was published in 2007. This manual includes a detailed description and explanation of the State's policies and procedures for ensuring compliance with the JJDP Act.
- Technical assistance (TA) continues to be provided on an as needed basis. The Compliance Monitor continues to provide intensive TA to the Prince George's County Police Department in an effort to help them reach maximum compliance with the Act. Intensive TA was also provided to the Baltimore City Police Department in an effort to help them reach maximum compliance with the Act.
- The number of on-site inspections has continued to increase, with 215 conducted during the current monitoring period. This represents 35 more than the last monitoring period. This increase of 16.25% far exceeds the minimum guidelines set by OJJDP which requires that 10% of each facility classification be inspected. It is anticipated that the number of site visits for calendar year 2008 will once again increase.

GOCCP's Juvenile Justice Compliance Monitor maintains responsibility for inspecting and providing TA to all facilities in Maryland. GOCCP has strengthened Maryland's overall compliance monitoring system through the implementation of a rigorous schedule of on-site inspections and provision of technical assistance to jurisdictions statewide, particularly in areas where repeated violations have been noted.

Five different tools were used to collect data for calendar year 2007, which includes a court holding survey, the secure juvenile holding log, the secure juvenile facility survey, the non-secure certification survey and the written certification survey. A synopsis of each is as follows:

1) The court holding survey:

- a) This survey was used to collect data from all Circuit Courts and District Courts in the State. The data collection questions posed were as follows:
 - i) Does your facility contain holding cells, cuffing benches, hooks, bars, rings or a locked area specifically set aside for secure detention?
 - ii) Is your facility ever used to ****securely hold/detain adult offenders on the day of a court appearance?**
 - iii) Is your facility ever used to securely hold/detain **juvenile offenders (a person under the age of 18) under the juvenile court jurisdiction on the day of a court appearance?**
 - iv) Was sight and sound separation provided between adult offenders and juvenile offenders in all secure areas?
 - v) What was the total number of juvenile offenders securely held during the calendar year monitoring period (January through December) that were **NOT** sight and sound separated from adult offenders?
 - vi) Are their written policies and procedures used at your facility that specifically relate to the sight and sound separation of juvenile and adult offenders?
 - vii) If juveniles are **not** held in a court holding area **on the day of their court appearance**, where are they held?

2) The secure juvenile holding log:

- a) This log was used to collect data from all secure adult lockups in the State. Instructions requested that only juveniles held in secure custody/detention be placed on the log. The data collection questions posed were as follows:
 - i) ID/Case number or Name?
 - ii) Gender?
 - iii) Race?
 - iv) Offender Status (alleged, adjudicated)?
 - v) Date & time in & out of secure custody/detention?
 - vi) Total time held in secure custody/detention?
 - vii) Most serious offense?
 - viii) Level of separation?

3) The secure juvenile facility survey:

- a) This survey was used to collect data from all secure non- Department of Juvenile Services (DJS) juvenile facilities in the State (i.e. residential treatment centers, psychiatric hospitals, in-patient substance abuse facilities). The data collection questions posed were as follows:
 - i) Does your facility have a contract, agreement or a Memorandum of Understanding with DJS to provide services?
 - ii) Does your facility accept any amount of funding from DJS?
 - iii) Has your facility received any admissions from DJS and/or the juvenile court system either directly or indirectly through a co-commitment during the calendar year monitoring period of January 1 through December 31?

- iv) Are any of the juveniles referred to in question iii status offenders or non-offenders?
 - (1) If yes, please provide a list of each juvenile that includes:
 - (a) Date of Arrival?
 - (b) Name and/or ID number?
 - (c) DOB, race & gender?
 - (d) Offense(s)?
 - (e) Date of Release?
 - (f) Placement upon release?

4) The non-secure certification survey:

- a) This survey was used to collect data from all non-secure facilities (juvenile and adult) in the State. The data collection questions posed were as follows:
 - i) Does your facility contain holding cells of any kind?
 - ii) Does your facility contain holding cells that are not used to detain juveniles or adults for any reason (i.e. the cells are empty or are used for storage)? If so, has your facility either issued a memo that the cells will not be used or have policies & procedures that contain this directive?
 - iii) Does your facility contain a room or office specifically used to question adult or juvenile offenders? If so, are the following true?
 - (1) There are no locks on the door to the room or office identified above and it is never used to securely hold or detain any person our agency takes into custody for any length of time.
 - (2) There is a lock on the door but the lock is only operational from the inside, therefore, no one can be locked in, and the door cannot be locked from the outside.
 - (3) There is a lock that, when activated, could be used to restrict an individual's movements, but written policy forbids this action.
 - iv) Does your facility contain any cuffing rings, hooks, benches, bars or other stationary objects that may be used to securely hold or detain an offender for any length of time?
 - v) Are there any delayed egress devices of any kind in this facility?
 - vi) Are there any fences, brick walls, or other structures that surround the entire perimeter of the facility?
 - vii) Does your Security Office/Department employ or contract with any law enforcement officers?
 - viii) Are any of the Department's Security Officers/Personnel certified as Special Police Officers?
 - ix) Do any of your Security Officers have the authority to arrest?
 - x) Is there a Police or Sheriff Substation in your Mall?
 - xi) Does the facility restrict the movement of its residents for any reason?
 - (1) Is the restriction accomplished via staff?
 - (2) Is the restriction accomplished via physical structures (i.e. door locks)?
 - xii) Are the housing units, dorms, cottages or residential areas of the facility locked at any time for any reason during the day or night?
 - (1) Do the locks require keys, codes or cards to open?
 - (2) Is it possible for a resident to unlock the door with out the assistance of a staff member?

- xiii) Does the facility contain a quiet room, time out room or seclusion room?
 - (1) Do such rooms contain door locks of any kind?
 - (2) Does the facility have written policies that govern the use of such rooms?
 - (3) Are such rooms ever used for punitive purposes?
- xiv) Does the facility participate in any jail/prison tour programs?
- xv) Do adult offenders or inmate trustees visit the facility at any time for any reason?

5) The written certification survey:

- a) This form was used to collect data from all secure adult jails and prisons in the State. The data collection questions posed was as follows:
- b) Does the facility hold juvenile offenders (accused or adjudicated delinquent offenders, status offenders, or non-offender) under the juvenile court jurisdiction?
- c) Does the facility hold (for any length of time) juveniles waived, transferred or direct filed to criminal court and charged with a misdemeanor that is not with in the original jurisdiction of the criminal court?
- d) Do written policies prohibit the facility from admitting such an offender?
- e) Does the facility have the potential to hold juveniles (persons under age 18) waived, transferred or direct filed to criminal court and charged with or convicted of a felony or a misdemeanor with in the exclusive original jurisdiction of the criminal court?

- f) Does the facility currently participate in any jail tour, scared straight, reasoned straight or shock incarceration programs*?
- g) Do any of these programs involve the attendance or participation of juveniles (persons under the age of 18)? (If yes, proceed to the next question)
- h) Are any of the juveniles participating in the program involved with the Juvenile Justice System (this includes juveniles referred formally or informally by DJS Intake, probation, the court system or a law enforcement officer)?
- i) Are the juveniles there under the public authority of the juvenile court or DJS?
- j) Are the juveniles participating as part of a diversion program?
- k) If yes, with which agency does the facility contract?
- l) What is the purpose of the contract?

CONCLUSION

Through training, the development of community-based resources, and an effective working relationship with OJJDP, GOCCP staff can continue to ensure that Maryland utilizes a strategy that not only identifies and records violations, but also offers solutions to ensure that fewer violations occur when youth become involved in the system.

TO RECEIVE ANY REFERENCED APPENDICES PLEASE CONTACT SHARI MORRIS AT

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